CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ITEM NO. 12(a), 12(b), 12(c), 12(d), 12(e), 12(f) and 12(g)

TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR
INDUSTRIAL STORM WATER DISCHARGES
FROM THE BOAT REPAIR FACILITIES TO SAN DIEGO BAY
SAN DIEGO COUNTY

RESPONSES TO COMMENTS FROM INTERESTED PARTIES

Comment #	Comment	Staff Response
Comments from Shelter Island Boatyard applicable only to Shelter Island Boatyard, tentative Order [Item 12(f)], *contained in correspondence dated November 22, 2005.*		
1	*Shelter Island Boatyard* *(Copied from original correspondence)* Attached are our written comments. An important item is our address. The facility addresses are 2330 and 2390 Shelter Island Drive. However, the US postal Service will no longer guarantee mail delivery to businesses using those generic addresses. This is due to the many businesses that receive mail here. Now the suite number must be included. USPS recommends that Shelter Island Boatyard use the format 2330-1 Shelter Island Drive, San Diego, CA 92106-3127.	The errata sheet contains the corrections that will modify Table 1. Discharger Information in the tentative Order and Facility Information. The Fact Sheet will also be modified to reflect the facilities' proper address and mailing address.

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2	Revisions to Table 2. Discharge Locations: (A) Driveway to Shelter Island Drive (Outfall C-001) i. Discharge Point Latitude 32° 43' 11'' N ii. Discharge Point Longitude 117° 13' 46''W (B) Driveway to Shelter Island (Outfall C-002) i. Discharge Point Latitude 32° 43' 11''N ii. Discharge Point Longitude 117° 13' 46''W iii Receiving Water, America's Cup Harbor, San Diego Bay	The errata sheet contains the corrections and will modify Table 2.
3	*Section II, Findings, of the Fact Sheet* (A) Background i. The omission of the second paragraph, Section II.A, Background. (B) Facility Description i. Omission of first paragraph and modification of second paragraph.	The errata sheet will provide the following changes to Section II, Findings.

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4	*Section 1, Permit Information, Attachment F - Fact Sheet* Request changes/updates to Table 1 Facility Information and the text following Table 1 to reflect current information about the facility.	Table 1 Facility Information and the text following the Table are modified to incorporate these changes. See errata sheet for details.
5	*Section II, Facility Description* Requested change in impervious site area from 97,000 square feet to 87, 000 square feet.	The Facility Description is modified in the errata sheet to contain the correct impervious area of the site.

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6	*Fact Sheet, Section II.A, Descriptions of Wastewater Controls, 3rd paragraph.* Requested change to accurately describe the Discharger's use of supplemental/temporary storm water holding tanks.	The recommended changes are made as indicated in the errata sheet.
7	*Fact Sheet, Section II.A, Descriptions of Wastewater Controls, 5th paragraph.* Requested change to accurately describe the Discharger's use of supplemental/temporary storm water holding tanks.	The recommended changes are made as indicated in the errata sheet.

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Comments from Mr. Robert Chichester, Department of the Navy, Navy Region Southwest, applicable to all seven boat repair facilities, tentative Orders [Items No. 12(a), (b), (c), (d), (e), (f) and (g)], *in correspondence dated November 29, 2005.*		
8	*All seven boat repair facilities* What is the Regional Water Quality Control Board staff's rationale for choosing an acute toxicity survival rate of seventy (70%) for storm water discharges?	Order No. 95-41 established an acute toxicity performance goal of not less than seventy (70%) survival as determined by a 96-hour bioassay for discharges of storm water runoff to San Diego Bay. The acute toxicity performance goal was established to allow dischargers adequate time to implement measures to minimize or prevent acute toxicity in storm water runoff. This performance goal became a discharge specification (a permit requirement rather than a goal) after October 12, 1999. Based on past correspondence, it appears that the 70% acute toxicity survival was an introductory target set for the newly regulated boatyards for storm water discharges until they could come into full compliance with the acute toxicity goal. According to data collected on storm water runoff from several dischargers during winter 1997/1998, levels of acute toxicity did not meet the acute toxicity performance goal specified in Order No. 95-41. In order to meet the acute toxicity discharge specification, all of the boat repair facilities have the capability to capture and divert all process wastewater and most storm water to the municipal sewer system. They are also fitted with temporary holding tanks to provide additional storm water storage capacity. It should noted that the 70% acute toxicity specification is

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		applicable at all times unlike other regulated facilities in the San Diego region that are required to meet 90% survival 50% of the time. The 70% acute toxicity survival is stringent enough to protect the receiving water and encourage the boat repair facilities to continue their efforts to eliminate discharges of storm water-related pollutants to San Diego Bay.
Comments from Koehler Kraft applicable only to Koehler Kraft, tentative Order [Item No. 12(d)], *contained in correspondence dated December 1, 2005.*		
9	*Attachment B – Topographic Map* Incorrect topographic map was submitted with the WDR application and incorporated in the tentative Order.	A correct topographic map is added to the tentative Order by errata.
10	*Attachment C – Wastewater Flow Schematic* Incorrect wastewater flow schematic was submitted with the WDR application and incorporated in the tentative Order.	An updated and corrected wastewater flow schematic is added to the tentative Order by errata.

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11	*Discharge Monitoring Report, US EPA Form 3320-1* Discharger requested copies of the US EPA Form 3320-1	The US EPA Form 3320-1 will be provided to Discharger on date of the Regional Water Board meeting and can be downloaded from the following website: http://www.epa.gov/npdes/pubs/dmr.pdf
Comments from the Environmental Health Coalition applicable to all seven boat repair facilities, especially Southbay Boat Yard [Item No. 12(g)], *contained in correspondence dated November 28, 2005.*		
12	**Significant Changes:** The permit needs to specify actions that must be taken for significant changes to operations currently occurring at Southbay Boat Yard.	**Significant Changes:** The Dischargers, in accordance with Attachment D (Standard Provisions), Section F, *Planned Changes* of the tentative Orders are required to report planned physical alterations or additions that could increase the quantity of pollutants discharged. The Regional Water Board will review the planned changes to determine whether any modifications to the Orders are necessary at that time.
13	**Findings**: Findings should reflect if discharges are only accounted for during working hours or on a 24-hour basis.	**Findings:** Discharges from the facility could occur at any time during the day. A discharge could happen only under conditions when 1) a catastrophic rainfall event or series of events occurs that causes excess runoff volume exceeding the capacity of the grading and structural BMPs at the facility, or 2) the grading and structural BMPs fail due to system mechanical malfunction, e.g. if a pump breaks down or a breach in the berms or holding tanks

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		occurs allowing water to enter the storm drain and flow into San Diego Bay. The systems are designed to operate 24 hours a day; however, the facilities are not manned 24 hours a day. So if the discharger becomes aware that a discharge occurred during non-operating hours, then the tentative Orders requires that discharge as well as it's cause to be reported to the Regional Board.
	We believe that most, if not all, boatyards are diverting far more than (0.1 inch) –in some cases all of their discharge. The permits should be improved to further restrict discharges to the Bay as the function of permit renewals is to move towards "elimination" of discharges.	At this time a requirement for the boatyard facilities to retain more than the "first flush" of storm runoff (the volume associated with runoff generated from the first 0.1 inches of rainfall) is not necessary. It is correct that all the boatyards have installed equipment to go beyond the 0.1-inch runoff containment requirement. The requirements in the tentative Orders are sufficiently protective of the receiving waters so that an increase in the volume-retained requirement is not necessary. Also, the 0.1-inch value is consistent with statewide storm water permits and the definition of first flush as listed in Attachment A – Definitions of the tentative Orders.
	The Findings for the Southbay Boat Yard (SBBY) should also reflect that there was a fuel barge at the site for many months that was unaccounted for and, we request to know, if this additional use was every reported to the Regional Board.	We will inquire into the comment regarding the fuel barge located at the South Bay Boatyard facility. We do not recommend any changes to the tentative Order based on the information at this time.

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14	**Facility Description:** These should specifically state if sub-contractors are allowed on facilities or not. If they are, then specific responsibilities must be ensures that the contractors are liable for the activities of the subcontractors.	**Facility Descriptions:** The Regional Water Board does not impose any restrictions on facilities that wish to hire contractors or subcontractors to do work at regulated facilities. It is the responsibility of the discharger to ensure that all employees, contractors, subcontractors, and boat owners working at the site comply with all the NPDES permit conditions and other applicable regulations. If any requirements are violated, the discharger is the responsible party to address the violations. No changes are proposed to the tentative Orders.
15	**Discharge Prohibitions:** These should specifically state the discharges of waste that accumulate in sediments are not allowed.	**Discharge Prohibitions:** The standard prohibitions along with all the other effluent limitations, discharge specifications and receiving water limitations contained in the tentative Orders are sufficiently protective of all the beneficial uses for San Diego Bay. A specific discharge prohibition on accumulation of sediments is not necessary.
16	**Receiving Water Limitation:** The toxic materials limitation reads as if a zone of initial dilution is allowable. We are unaware that any such case has been made for a ZID for boatyards discharges.	**Receiving Water Limitation:** It is correct that no dilution credit has been granted for discharges from the boatyards. The receiving water limitations are included from the appropriate water quality control plans and no changes to the language have been made. Changes to the standard language are not recommended.
17	**Special Provisions:** The Toxic Pollutant Source Control Study should include PAH as a toxic material that is investigated in addition to the metals and TBT listed.	**Special Provisions:** Based on the types of materials, equipment and processes employed by the Dischargers and the data submitted in their WDR applications, PAH can be omitted from testing at this time.

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18	**Effluent Monitoring Provisions:** It is unclear why Acute Toxicity is only monitored during one storm event a year when all of the other monitoring is during two storms a year if there is going to be a discharge.	**Effluent Monitoring Provisions:** The Acute Toxicity is conducted once a year during a storm event in consideration of the boat repair facilities' intermittent or infrequent discharges, and available effluent data. However, under excessive rain conditions the Dischargers are required to conduct additional Acute Toxicity testing of discharges.
19	**Whole Effluent Toxicity Testing Requirements:** The Regional Board should 'direct' not just recommend the use of two lab controls for the test.	**Whole Effluent Toxicity Testing Requirements:** The Dischargers are mandated as required by NPDES regulations [40 CFR Section 122.44(d)(1)(iv)] to contain effluent limitations for whole effluent toxicity (WET) when a discharge will cause or contribute to an in-stream excursion above a narrative criterion (e.g., no toxic in toxic amounts). Section V, Monitoring and Reporting Program provides guidelines on approved WET testing methods.
20	**Receiving Water Monitoring- Surface and Groundwater:** Zinc, PAH, and TBT (if used) should be added to the contaminants sampled for in the sediments.	**Receiving Water Monitoring- Surface and Groundwater:** Because of the Dischargers infrequent discharges (in most cases, none) and their submitted data, we believe that the parameters, zinc, PAH, and TBT should not be tested for in sediment. In Attachment F (Fact Sheet) Table 4. Storm Water Monitoring Requirements provides a list of all the parameters that require testing in including zinc and TBT.
21	**Data Analysis:** Most of the monitoring under the permit is done once or twice a year and no credible 'trend' can be determined if not placed in context of more samples.	**Data Analysis:** The Dischargers infrequent discharges do not provide sufficient data to generate nor extract sound analytical information or trends on pollutant discharges or loadings.